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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/082,360

02/26/2002

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08/23/2007

EXAMINER

GRANT II, JEROME

ART UNIT

PAPER NUMBER

2625

MAIL DATE

DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/082,360

**Applicant(s)**~~XXXXXXXXXX~~ K I M**Examiner**

Jerome Grant II

**Art Unit**

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,7,11,12,14,16 and 22-25 is/are rejected.
- 7) ☒ Claim(s) 3-6,8-10,13,17-21 and 26-34 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### Detailed Action

1.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 11, 12, 15, 22 and 24 rejected under 35 U.S.C. 102(b) as being anticipated by Maehara.

With respect to claims 1 and 15, Maehara teaches an apparatus for achieving a method for correcting the scanning error in a scanner (inclusive of a flat bed scanner), the apparatus comprising: a white shading plate 6 having a black patch (7); a reading module 5 accommodating reading of said white shading plate and said black patch (see col. 1, lines 35-41) and controller 107 for comparing information of said black path (Db output from element 105) which is read by said reading module with a predetermined reference value 104 to correct the scanning error in the scanner (inclusive of a flatbed scanner).

With respect to claim 11, see RAM 105 and the black patch 7.

With respect to claim 12, see RAM 105.

With respect to claim 22, Maehara teaches a method comprising detecting information with respect to the pattern of black patch 7 on a white shading plate 6 included in a scanning apparatus; and comparing via 107 the information detected of the pattern of said black patch 7

With a respective predetermined reference value ( output from element 104) to correct scanning errors as claimed.

With respect to claim 24, Maehara teaches checking the presence of black and white pixels (via image sensor 4 and drive circuit 101) while moving the reading module 5.

2.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2 , 7, 14, 16, 23 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maehara in view of Sugiura.

With respect to claims 2,16 and 23 Maehara teaches all of the subject matter upon which the claim depends. See the rejection to claim 1. What Maehara does not teach is the edge lines of the black path as claimed.

Sugiura teaches edge lines of a black path (see figure 5 and col. 3, lines 10-22). Sugiura teaches a plurality of intervals (7c and 7d), see col. 3, lines 10-23 of the black patch. The references values are each determined by the length of the black patch as read by the image reader. The values are based upon the length of the black patch and is width. See also figure 2.

Since Maehara and Sugiura are both directed to image scanners, including the use of white and black references surfaces, the purpose of using a black path with intervals, would have been recognized by Maehara, as set forth in Sugiura.

It would have been obvious to one of ordinary skill in the art to replace the black and white references (6 and 7) of Maehara with the black and white references of Sugiura, including the black intervals thereof, for the purpose of correcting a scanning error during a scanning operation.

With respect to claim 7, Maehara teaches all of the subject matter of claim 1, see the rejection to claim 1, above.

What Maehara does not teach is the top edge line and the bottom edge line.

However, Sugiura teaches this limitation at col. 3, lines 11-17. See also figure 2.

The motivation for the rejection of this claim is the same as that for the rejection of claim 2.

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With respect to claim 14, Maehara does not teach the black patch in two equal parts.

Sugiura teaches the black patch shown in at least three patches, which obviates the use of two.

The motivation for the rejection is the same as that to claim 2.

With respect to claim 25, Maehara teaches all of the subject matter upon which the claim depends, see the rejection to claim 22.

What is not taught is the checking step as claimed.

Sugiura teaches black patch 7c and 7d wherein the scanner checks whether an interval of said white shading plate 7e between a first edge of said black patch and a second edge of said black path (within width L as shown by figure 2) is detected to have white pixels, see also figure 5.

Since Maehara and Sugiura are both directed to image scanners, including the use of white and black references surfaces, the purpose of using a black path with intervals, would have been recognized by Maehara, as set forth in Sugiura.

It would have been obvious to one of ordinary skill in the art to replace the black and white references (6 and 7) of Maehara with the black and white references of Sugiura, including the black intervals thereof, for the purpose of correcting a scanning error during a scanning operation so that an image sensor 104 and drive circuit 101 of Maehara could check the presence of white and black references as the scanner is moving.

### **Claims Objected to As Being Allowed**

3. Claims 3-6, 8-10, 13, 17-21 and 26-34 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.



4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jerome Grant II whose telephone number is 571-272-7463. The examiner can normally be reached on Mon.-Fri. from 9:00 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Coles, can be reached on 571-272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



J. Grant II